

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

HARRY E. WILLIAMS, JR.

Plaintiff

v.

PA TURNPIKE COMMISSION

Defendant

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CIVIL ACTION NO. 1:01-CV-877
(Judge Rambo)

CLERK'S TAXATION OF COSTS

April 16, 2004

Pending for taxation is the defendant's unopposed bill of costs seeking \$3,882.90 for fees of the court reporter and disbursements for printing and witnesses. For the following reasons, costs will be taxed against the plaintiff and in favor of the defendant in the amount of \$2,511.20.

The burden is on the party opposing a verified bill of costs to establish that a claim is "incorrectly stated, unnecessary or unreasonable." LR 54.4(10) In all cases, however, it is the prevailing party's duty to establish that the costs claimed are authorized by statute. Green Construction Co. v. Kansas Power & Light Co., 153 F.R.D. 670, 675 (D.Kan. 1994).

Only \$180.25 of the items listed as fees and disbursements for printing and witnesses are clearly identified as taxable costs (\$88.00 for witness fees and \$92.25 for exhibits). The balance of

expenses listed in this category are either routine case papers which may not be taxed under LR 54.4(5), unspecified printing costs for trial preparation, or documents provided by the defendant to the plaintiff in the course of discovery. See Sphere Drake Insurance PLC v. Trisko, 66 F.Supp.2d 1088, 1093 (D.Minn. 1999) (documents in party's possession are not "obtained for use in the case" within the meaning of 28 U.S.C. § 1920).

The remaining expenses claimed on the bill of costs appear to be taxable. **THEREFORE, IT IS ORDERED THAT** costs are taxed against the plaintiff and in favor of the defendant in the amount of \$2,511.20.

Any party may appeal this decision to the court within five days of taxation. Written specifications of the items objected to and the grounds of objections must be filed and served within five days. LR 54.3.

s/Mary E. D'Andrea
MARY E. D'ANDREA, Clerk